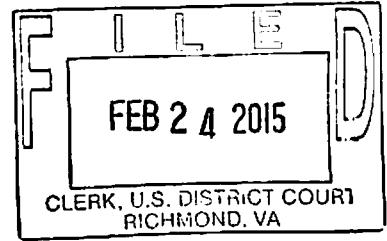


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

KELVIN M. THOMAS, for
himself and on behalf
of all similarly
situated individuals,



Plaintiff,

v.

Civil Action No. 3:13cv825

FTS USA, LLC,
et al.,

Defendants.

ORDER

Having considered the DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (Docket No. 37), the opposition and reply thereto, it is hereby ORDERED that the motion is denied because the facts permit a finding that the background check procured by the defendants constitutes a consumer report within the meaning of the Fair Credit Reporting Act; because the question of willfulness is a matter of fact as to which there is a genuine dispute of material fact; and because the form provided to the plaintiff before procuring his background check does not satisfy the disclosure and authorization requirements set forth in 15 U.S.C. § 1681(b)(2).

Finding it proper so to do, the stay entered herein by ORDER dated November 14, 2014 (Docket No. 53) is hereby dissolved and the parties shall proceed with Phase I discovery and shall reschedule a settlement conference with Magistrate Judge David J. Novak.

It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

The Clerk is directed to send a copy of this Order to Magistrate Judge Novak.

It is so ORDERED.

/s/

REP

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: February 24, 2015